

24, 2005, while serving in Operation Iraqi Freedom. He was a member of the 3rd Armored Cavalry Division, and was killed when an improvised explosive device, IED, detonated near his military vehicle in Baghdad.

A graduate of Parkston High School, Staff Sergeant Montefering was serving his second tour of duty in Iraq. He will be remembered as a hard worker who was always ready to get his hands dirty, according to his former employer. While in high school, Jason worked part time at Murtha Repair in Parkston. Owner John Murtha remarked that Jason "would sweep up and then help the mechanics. All of the guys liked working with him. He was a real good kid."

Staff Sergeant Montefering is the 11th servicemember from South Dakota killed during hostilities in Iraq. He served our country with honor and died a hero defending it. My thoughts and prayers are with his family during this difficult time, as well as all those who have loved ones serving overseas.

I commend Staff Sergeant Montefering's commitment to his family, his Nation, and his community. Without question, his dedication to helping others will serve as his greatest legacy, and our Nation is a far better place because of Staff Sergeant Montefering's contributions.

I join all South Dakotans in expressing my sympathies to the friends and family of Staff Sergeant Montefering. I know he will be deeply missed, but his service to our Nation will never be forgotten.

SERGEANT JASON T. PALMERTON

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of SGT Jason T. Palmerton of Auburn, NE, a Green Beret in the U.S. Army. Sergeant Palmerton was killed by small arms fire while on foot patrol on July 23 in Qal'eh-Yegaz, Afghanistan. He was 25 years old.

Sergeant Palmerton was born in Hamburg, IA, and grew up in Nebraska. He graduated from Auburn High School in 1998 and enlisted in the Army in 2002. Sergeant Palmerton was assigned to the 1st Battalion, 3rd Special Forces Group based in Fort Bragg, NC, and had been in Afghanistan for 6 weeks. He had learned Arabic and was working as a communications specialist. Sergeant Palmerton will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Sergeant Palmerton are currently serving in Afghanistan.

Sergeant Palmerton is survived by his mother Denise Brown, of Auburn; father Steve Palmerton of Norman, OK; sisters, Elizabeth Schlange of Auburn, Amanda Palmerton of Omaha and Chelsea Palmerton of Norman; grandparents, Herman and Alice Moenning of Lincoln, and Thomas Palmerton of Brownville; and fiancée Shelley Austin of North Carolina. Our thoughts and prayers are with them at this difficult time. America is proud of

Sergeant Palmerton's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SGT Jason T. Palmerton.

STRIKING THE PRESIDENTIAL WAIVER AUTHORITY IN AMENDMENT NO. 1556

Mr. MCCAIN. Mr. President, on Monday I offered an amendment that would prohibit cruel, inhuman, or degrading treatment or punishment of persons under the custody or control of the U.S. Government. I was pleased that Senators WARNER, GRAHAM, and COLLINS joined as original cosponsors, and Senators CHAFEE and ALEXANDER have also joined as cosponsors.

After I offered the amendment, I agreed to modify it at the manager's request to include a Presidential waiver—section (b) of the pending amendment. It is now clear, however, that this would be inconsistent with the overall intent of my amendment, which is to ensure that there is full compliance with our treaty obligations, including with the prohibition against cruel, inhuman, and degrading treatment included in the Convention Against Torture, which was signed by President Reagan and ratified by the Senate.

For this reason, I have filed a second-degree amendment to amendment No. 1556 that would strike the waiver. When the Senate resumes consideration of the Defense authorization bill, I will either modify the pending amendment, seek action on the second-degree amendment, or simply file a new amendment without the waiver. In short, I will offer for consideration—and seek passage of—a statutory prohibition against cruel, inhuman, or degrading treatment or punishment, without a Presidential waiver.

SETTING THE RECORD STRAIGHT ON PAWS

Mr. SANTORUM. Mr. President, on May 26, 2005, I introduced with my colleague Senator DURBIN the Pet Animal Welfare Statute of 2005, or PAWS. PAWS amends the Animal Welfare Act to strengthen the Secretary of Agriculture's authority to deal with the problems of substandard animal dealers.

I want to make clear to our colleagues and the public that we believe the vast majority of animal dealers are conscientious persons who make every effort to treat their animals humanely and to comply with the law. But, unfortunately, there are some animal dealers who do not care properly for their animals and who seek to profit at the expense of the animals and the public. They exploit the weaknesses and loopholes in the current law to evade or ignore basic standards for the care and condition of animals. These substandard dealers give the entire pet industry a black eye, all the while prey-

ing upon the public. It is these unscrupulous animal dealers at which PAWS is targeted.

PAWS strengthens the Secretary of Agriculture's authority to deal with substandard animal dealers by making four important improvements to the Animal Welfare Act. First, it will bring under coverage of the Animal Welfare Act high volume dealers who are in every respect like those dealers currently regulated, but are evading regulation because they sell animals exclusively at retail. PAWS will continue to exempt real retail pet stores, and will add a new exemption for small dealers and hobby and show breeders. Second, PAWS will help the Secretary of Agriculture identify persons not complying with the law by requiring those who acquire animals for resale to keep records of the source from whom the animals are acquired and make these records available to the Secretary upon request. Third, PAWS will create an incentive for dealers to quickly correct serious problems by giving the Secretary authority to temporarily suspend dealers' licenses for up to 60 days if a violation is placing the health of an animal in imminent danger. Finally, PAWS will strengthen the authority of the Secretary to obtain injunctions to shut down dealers who fail to comply with the law.

The marketplace for animals has changed dramatically since the 1970s when the current animal dealer provisions of the act were written. At that time only retail pet stores and small hobby and show breeders sold pet animals, so regulating wholesale sellers and exempting persons who sold animals at retail and were regulated by the market made some sense. With the advent of the internet, mass national marketing channels, and mass importation of puppies for resale, there are a large number of unregulated dealers who are in every respect identical to the dealers regulated by the act, except that they evade regulation by selling exclusively at retail. By regulating these high volume retail sellers, we will assure that they meet the same standards for the humane care and treatment of animals that breeders and brokers selling at wholesale have been meeting for 30 years.

PAWS defines the term "retail pet store" so that only real retail pet stores are exempt, where customers can see the animals and the conditions where they are kept. PAWS also adds a specific exemption for small dealers and hobby and show breeders. Only persons who sell more than 25 dogs per year would be regulated. In addition, breeders who sell dogs and cats from fewer than 7 litters a year bred or raised on their own premises, or fewer than 25 dogs and cats per year bred or raised on their own premises, which ever is greater, would be exempt. For example, if an Irish setter breeder has 6 litters that average 6 puppies each for a total of 36 puppies, they can sell them without being regulated. If a toy

breeder has 10 litters that average only 2 puppies each for a total of 20 puppies, they can sell them without being regulated. These breeders could also sell 25 or fewer other dogs a year not bred or raised on their own premises such as stud puppies or puppies from coowner-ships, without being regulated. I firmly believe that the sport and hobby of breeding and raising dogs and cats should not be a federally regulated activity. PAWS will, for the first time, put an explicit exemption into the Animal Welfare Act to protect small hobby and show breeders from regulation.

Some persons who sell dogs for hunting purposes have expressed a concern that PAWS will bring them under regulation. The current Animal Welfare Act already covers persons who sell hunting dogs, and has for almost 30 years. They are regulated on the same basis as those who sell dogs for pets. PAWS will continue to regulate sellers of hunting dogs on the same basis as those who sell dogs as pets. Only high volume sellers who exceed the exemptions set forth in PAWS will be subject to regulation.

Some rescue and shelter organizations have expressed concern that because they often charge an adoption fee to those who adopt the dogs they place, these organizations will fall within the definition of "dealers" in PAWS and be regulated. True rescue and shelter organizations who do not sell dogs or cats in commerce, for profit, will not be brought under regulation by PAWS, whether or not they are formally incorporated as not for profit organizations.

Some high volume dealers in cats and dogs who will be brought under coverage of the Animal Welfare Act by PAWS, but who are still small enough that they breed and raise dogs or cats in essentially a residential environment, have expressed concern that they will be forced to build kennels and catteries and will no longer be able to raise animals in a residential environment. There is nothing in PAWS, or in the current Animal Welfare Act, that precludes persons from breeding and raising animals in a residential setting, provided the animals are properly housed and cared for. In implementing PAWS, the Secretary of Agriculture will have to assure that the animal care regulations take into account breeders and dealers who conduct their operations in a residential setting.

I want to make clear that PAWS is a very different piece of legislation than the bills that Senator DURBIN and I have introduced in previous Congresses. PAWS does not require or justify creating any new animal care standards, like our previous legislation did. It focuses only on bringing under regulation high volume commercial dealers currently evading regulation and on strengthening the Secretary of Agriculture's ability to identify and bring into compliance high volume dealers who are not in compliance with existing law or, as a last resort, shut them down.

Senator DURBIN and I in the Senate, along with our colleagues Representatives GERLACH and FARR who have introduced PAWS in the House of Representatives, consulted with a broad array of animal interest and animal welfare groups in creating PAWS. We believe that the enactment of PAWS will be a major milestone in the history of animal protection in the United States. We are delighted that it has brought together animal interest groups and animal welfare groups that in the past have often been on opposite sides of animal legislation, including our own past bills. Having said that, no legislation is perfect when introduced. As chairman of the Senate Agriculture Committee's Subcommittee on Research, Nutrition and General Legislation, which has jurisdiction over PAWS, I intend to convene a hearing and mark-up of PAWS shortly after the August recess to make technical corrections, and to clarify some of the bill's language to better reflect our intentions as set forth in this statement.

PAWS is not intended to restrict breeding or impose a hardship on rescue and shelter organizations. PAWS specifically recognizes the importance of protecting small breeders and the noncommercial purebred dog and cat fancy from Federal regulation. My family and I purchased our beloved German shepherd dog Schatzie from a small breeder. We and Schatzie raised a litter of puppies in our own home last year, and fully understand the hard work and commitment that it requires. I also know that most commercial breeders are dedicated to their profession and to their animals. I believe that PAWS will protect small hobby and show breeders and the vast majority of compliant commercial breeders as well as the public from those breeders and brokers who evade or fail to comply with the law. And, most importantly, it will protect the animals themselves. I urge my colleagues and all those in the animal welfare community to join us in this effort.

DEPARTMENT OF VETERANS AFFAIRS 75TH ANNIVERSARY

Mr. AKAKA. Mr. President, I rise today with great joy to congratulate the Department of Veterans Affairs, VA, on its 75th anniversary. Through its tireless work on behalf of this Nation's veterans, VA has certainly lived up to the words of the great President Abraham Lincoln, "To care for him who shall have borne the battle and his widow, and his orphan." During its first 75 years, VA has done much to benefit not only veterans and their families but also the nation as a whole.

On June 22, 1944, President Franklin Delano Roosevelt signed the Montgomery GI bill into public law. Since then, the GI bill has been updated and modernized several times. This far-reaching legislation has helped improve the lives of over 20 million veterans through educational programs,

home loan guarantees, unemployment compensation, and other benefits. It is estimated that over the lifetime of the average veteran, the U.S. Treasury receives two to eight times the income tax from the average veteran than was spent on the veteran's GI bill benefits. The GI bill is undoubtedly one of the most important pieces of legislation in this Nation's great history.

VA has also established a legacy of first rate health care for our veterans. A recent study by the RAND Corporation found that VA outpaces private health care systems in delivering care to patients. RAND observed that VA patients were more likely to receive recommended health services than patients using a private provider. The study also concluded that VA patients consistently receive better care across the board, including screening, diagnosis, treatment and follow-up.

Additionally, VA's Medical and Prosthetics Research Program has led to substantial advances in prosthetics, traumatic injury, post traumatic stress disorder, as well as many other areas that have helped our veterans over the years. This research has also led to discoveries in medicine that effect both veterans and the general population, such as cancer, aging, mental illness, and heart disease. In fact, past VA research projects have resulted in the first successful kidney transplant performed in the U.S., as well as the development of the cardiac pacemaker, a vaccine for hepatitis, and the CAT and MRI scans.

Another function of VA is overseeing our National Cemetery System. VA has helped create and manage a network of Federal and State cemeteries that provides deceased veterans with a respectful and peaceful final resting place.

The far-reaching accomplishments that I briefly highlighted are just a few cornerstones of the Department's legacy. With the current military operations in Iraq and Afghanistan, we appreciate even more the quality work that VA does for our veterans. And the current operations should also be a reminder to VA and Congress of the burdens our veterans face because of their sacrifices to protect our freedoms and liberties.

I am extremely proud of the work VA has done, and I hope that through greater cooperation between Congress and the administration, we can expand upon VA's legacy and address the current needs of our veterans. I must also highlight the dedication of the staff that has worked at VA over the years. An agency as massive as VA would cease to function without quality leadership and staff. Many of VA's staff have a deep and passionate commitment to providing quality health care and benefits for our veterans.

Our Nation's veterans and service-members deserve nothing less than top quality health care and benefits. I am sure that Congress and VA can work together to fulfill this obligation. Once again, I congratulate VA on 75 years of service to our veterans.